

12/17/2003 WED 14:15 FAX 12489888363 Carlson, Gaskey & Olds

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001/002

DEC 17 2003

60,130-788; 99MRA0107/0108

UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Fowler, et al. GROUP ART UNIT: 3618  
SERIAL NO.: 09/833,165 EXAMINER: Addison, Karin B.  
FILED: April 11, 2001  
FOR: SOLID BODY INDUCTION MOTOR  
FOR VEHICLE APPLICATIONS

ATTORNEY DOCKET NO.: 60,130-788

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

REQUEST FOR REFUND

Dear Sir:

Applicant requests a refund in the amount of \$950.00. Applicant's deposit account was charged \$950.00 on December 17, 2003 for a three-month extension of time in conjunction with the submission of the Notice of Appeal on November 19, 2003. This charge is improper as no extension fees were due. Applicant filed a reply to the final office action on August 8, 2003, which was within two months of the mailing date of June 13, 2003 for the final action. The examiner did not issue an advisory action to Applicant's reply until December 8, 2002. The advisory action was not mailed out until December 11, 2003.

The extension of time policy is set forth in 37 CFR 1.136(a). Further, as stated in the final action dated June 13, 2003:

"A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date of the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action."

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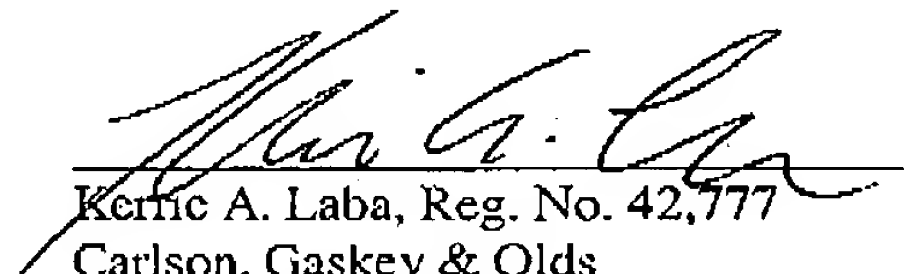
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Applicant filed a reply within the two-month time period. The Notice of Appeal was filed prior to the mailing date of the advisory action, which was not mailed until after the end of the three-month shortened statutory period. Thus Applicant asserts that no extension fees are due.

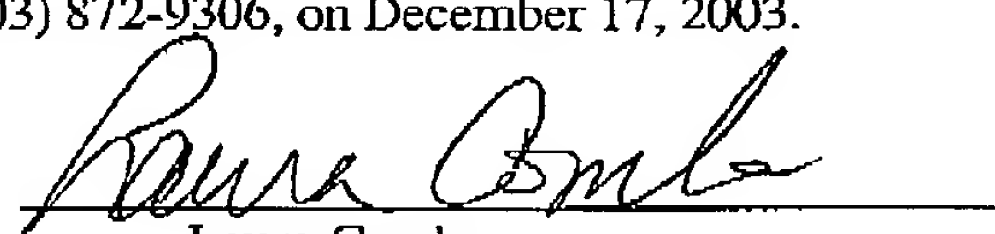
Respectfully submitted,

  
Kerrie A. Laba, Reg. No. 42,777  
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400 W. Maple Road, Ste. 350  
Birmingham, MI 48009  
(248) 988-8360

Dated: December 17, 2003

CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the United States patent and Trademark Office, fax number (703) 872-9306, on December 17, 2003.

  
Laura Combs

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